

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PROCAPUI-PRODUTORES de CAMAROES de  
ICAPUI LTDA.**

**Plaintiff,**

**07 Civil Action  
File No. 6627-BSJ**

**v.**

**MARCIAL GERALD LAYANI, G. F. HIGGINS,  
INC., THERESA HIGGINS, as Executrix of  
THE ESTATE OF GERALD FRANCIS HIGGINS,  
THOMAS HIGGINS, ROBERT HIGGINS,  
RICHARD RUBIN and NOEL BLACKMAN,**

**DECLARATION OF  
MARCIAL  
GERALD LAYANI**

**Defendants.**  
**-----X**

**MARCIAL GERALD LAYANI, declares the following under penalty of  
perjury under the laws of the United States of America:**

**1. I am the person named as a Defendant in the above action although I have  
not been served with any process nor have I appeared or otherwise waived  
service of process. No appearance or waiver of any kind is intended by signing  
this declaration.**

**2. I make this declaration on my own knowledge so the Court will know the  
facts regarding my residence and domicile.**


**3. I understand the Complaint in this action alleges that I am a citizen of the  
United States and a resident of the State of New York. This is only partly true. I  
am a citizen of the United States but I am *not* any longer a resident of New York**

**ML**

resident of Brazil. I file my income tax returns in Brazil. I have moved out of my home in the U.S. and no longer maintain any residence in the U.S. I have no plans or present intention of returning to the U.S. to live. I have not visited the United States since March, 2003 and, before that, not very often.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 13<sup>th</sup>, 2007



MARCIAL GERALD LAYANI